

The Honorable Robert H. Whaley

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

JENNIFER LANE,)
Plaintiff,) NO. CV-11-309-RHW
vs.)
GRANT COUNTY, a Washington) AMENDED COMPLAINT FOR
municipal corporation,) VIOLATION OF THE FAMILY
Defendant.) MEDICAL LEAVE ACT (29
) U.S.C. § 2601 et seq.), BREACH OF
) PROMISE, UNLAWFUL
) DISCRIMINATION (RCW 49.60),
) and WRONGFUL DISCHARGE
) IN VIOLATION OF
) PUBLIC POLICY

COMES NOW, the Plaintiff, Jennifer Lane (hereinafter referred to as "Lane"), by and through her attorneys of record, who alleges and states:

AMENDED COMPLAINT FOR
VIOLATION OF FMLA, BREACH OF
PROMISE, DISCRIMINATION,
AND WRONGFUL DISCHARGE IN
VIOLATION OF PUBLIC POLICY
c9:Lane-j.fmla\pleading\amend.complaint

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I. PARTIES

1.1 Lane was and is, at all times material hereto, a resident of Grant County, Washington.

1.2 Defendant, Grant County, is a County existing under Washington law. The principal offices of the Grant County are located in Ephrata, Grant County, Washington.

II. JURISDICTION AND VENUE

2.1 The incident complained of occurred in Grant County, Washington.

2.2 This Court has jurisdiction pursuant to 29 U.S.C. § 2617 (a)(2).

2.3 This Court has supplemental jurisdiction to consider Plaintiff's state law claims.

III. FACTS

3.1 Lane was employed by Grant County as the Administrator/County Coordinator of the Prevention and Recovery Center (PARC).

3.2 During June, 2009, Lane requested leave pursuant to the

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1 Family Medical Leave Act (FMLA) because of a serious health condition.

2 3.3 Lane was granted FMLA leave by Grant County.

3
4 3.4 By a letter dated June 24, 2009, and a visit to her personally by
5 the Grant County Commissioners and its HR Director, Grant County indicated that
6 Lane was a “key employee” as described in the FMLA regulations, that restoring
7 Lane to her employment at the conclusion of the leave would cause substantial and
8 grievous economic harm to it, and that she was being laid off from her
9 employment with the county at the conclusion of her leave.

10 3.5 The County indicated that the basis of its determination that
11 Lane was a “key employee” and that her restoration would cause substantial
12 economic injury was that the County was restructuring its organizations and
13 integrating PARC with Grant Mental Health Care (GMHC) and that Lane’s
14 position would be eliminated through the merger.

15 3.6 Lane was not a key employee under the FMLA.

16 3.7 If Lane was a key employee under the FMLA, her restoration
17 would not have caused substantial and grievous economic injury to Grant County.

18 3.8 Grant County reiterated its position that Lane would not be

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1 restored to her position in a letter dated July 9, 2009.
2

3 3.9 Lane was informed that the position of Financial Director had
4 been posted and that she could apply for that position.

5 3.10 Lane was terminated from her employment on or about
6 September 22, 2009, at the end of her leave and not restored to her position or an
7 equivalent position.

8 3.11 Grant County had a layoff policy that was applicable to Lane
9 and on which Lane had relied to not seek other employment over the years. It
10 provided that, if an employee was laid off from the County, the employee was
11 entitled to be restored to any suitable position which came open in the six months
12 following the date of the employee's layoff.

13 3.12 A suitable position, the position of Financial Director, did
14 become available in the six months following the termination of Lane. The
15 County breached its promise contained in the aforesaid policy by not restoring
16 Lane to that position.

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1 **IV. FIRST CAUSE OF ACTION**

2 **VIOLATION OF THE FAMILY MEDICAL LEAVE ACT (FMLA)**
3 **(29 U.S.C. § 2601 et seq.)**

4 4.1 Lane restates and realleges paragraphs 1.1 through 3.12.
5
6 4.2 Grant County has interfered with, restrained, or retaliated
7 against Lane's exercise of her rights under the FMLA in violation of 29 U.S.C. §
8
9 2615.

10 4.3 As a proximate result of Grant County's violation of the
11 FMLA, Lane has suffered damages in an amount to be proven at trial.

13 **V. SECOND CAUSE OF ACTION**

14 **BREACH OF SPECIFIC PROMISE**

16 5.1 Lane restates and realleges paragraphs 1.1 through 3.12.
17 5.2 Grant County's failure to restore Lane to work in the Financial
18 Direction position which became available during the restructure constituted a
19 breach by Grant County of its promise of specific treatment in specific
20 circumstances.

23 5.3 As a proximate result of Grant County's breach of said
24 promise, Lane has suffered damages in an amount to be proven at trial.

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1 **VI. THIRD CAUSE OF ACTION**

2 **DISABILITY DISCRIMINATION IN VIOLATION OF RCW 49.60**

3
4 6.1 Lane restates and realleges paragraphs 1.1 through 3.12.
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6 6.2 Lane had a disability under Washington law.
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8 6.3 Lane suffered discrimination by Grant County because of her
disability in violation of RCW 49.60.

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10 6.4 As a proximate result of said violation of RCW 49.60, Lane has
11 suffered damages in an amount to be proven at trial.

12 **VII. FOURTH CAUSE OF ACTION**

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14 **WRONGFUL DISCHARGE IN VIOLATION
OF PUBLIC POLICY**

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16 7.1 Lane restates and realleges paragraphs 1.1 through 3.12.
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18 7.2 It is the public policy of the state of Washington that an
employer shall not discharge, discriminate, or retaliate against an employee who
has taken leave because of a serious health condition.

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20 7.3 Grant County has violated said public policy.
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22 7.4 As a proximate result of a wrongful discharge in violation of
public policy, Lane has suffered damages in an amount to be proven at trial.

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1 **VIII. DAMAGES AND PRAYER FOR RELIEF**

2 8.1 As a proximate result of said conduct of Grant County, Lane
3 has suffered damages in the form of economic losses, together with other actual
4 damages, including general compensatory damages, due to being subjected to said
5 tortious conduct and violations of law.

6
7 WHEREFORE, plaintiff Lane prays for damages as aforesaid,
8 together with liquidated damages pursuant to 29 U.S.C. § 2617, reinstatement of
9 employment pursuant to 29 U.S.C. § 2617 or other equitable relief, costs of this
10 action and reasonable attorney's fees pursuant to RCW 49.48.030, RCW
11 49.60.030, and 29 U.S.C. § 2617, prejudgment interest on any lost wages or
12 liquidated sums, and any other relief as the Court deems just and equitable.

13 **IX. JURY DEMAND**

14 9.1 Plaintiff is entitled to and hereby demands trial in this case by a
15 jury.
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DATED this 11th day of January, 2012.

1 /s Stewart R. Smith
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2 CERTIFICATE OF SERVICE
3

4 I hereby certify that on January 11, 2012, I electronically filed the
5 foregoing with the Clerk of the Court using the CM/ECF System which will send
6 notification of such filing to the following:
7

8 JERRY J. MOBERG
9 PATRICK R. MOBERG
10 Attorneys for Defendant
11 451 Diamond Drive
Ephrata, WA 98823
12

13 LACY KANE, P.S.
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15 BY s/ Stewart R. Smith
16 STEWART R. SMITH, WSBA # 22746
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